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Attorneys for Defendants Good Samaritan Hospital LP, a
Delaware limited partnership, Samaritan, LLC, a
Delaware limited liability company, Good Samaritan
Hospital Medical Staff, a California unincorporated
association, Steven M. Schwartz, M.D., and Bruce G.
Wilbur, M.D.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

J. AUGUSTO BASTIDAS, M.D.,

Plaintiff,

v.

GOOD SAMARITAN HOSPITAL LP, a
Delaware limited partnership; SAMARITAN
LLC, a Delaware limited liability company;
GOOD SAMARITAN HOSPITAL MEDICAL
STAFF, a California unincorporated
association; STEVEN M. SCHWARTZ, M.D.;
and BRUCE G. WILBUR, M.D.,

Defendants.

CASE NO. 5:13-cv-04388-SI

**JOINT STIPULATION AND [PROPOSED]
ORDER TO VACATE ALL TRIAL AND
PRETRIAL DATES, EXTEND BRIEFING
DEADLINES, AND SCHEDULE CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Susan Illston
Complaint Filed: December 4, 2015
Trial Date:

WHEREAS, on August 6, 2014, Plaintiff J. Augusto Bastidas, M.D. filed a Third Amended Complaint against Defendants Good Samaritan Hospital LP, Samaritan LLC, Good Samaritan Hospital Medical Staff, Steven M. Schwartz, M.D., and Bruce G. Wilbur, M.D. for racial discrimination and retaliation under 42 U.S.C. § 1981 (“Third Amended Complaint”);

WHEREAS, by Joint Stipulation to Continue Trial and Pretrial Dates (Dkt. No. 135), on October 29, 2015, the Court ordered the following pretrial and trial schedule for the case:

- Plaintiff’s Supplemental Brief, ordered by the Court on October 26, 2015 shall be filed November 9, 2015;
- Defendants may file a reply brief to Plaintiff’s Supplemental Brief on November 17, 2015;
- A hearing on the summary judgment motion will be held on November 20, 2015 or a date thereafter that is convenient for the Court;
- The parties shall Designate their Expert Witnesses by December 7, 2015;
- Rebuttal Expert Witnesses shall be identified by December 18, 2015;
- Expert Discovery shall be completed by January 15, 2016;
- The Pretrial Conference Date shall be February 17, 2016; and
- The Jury Trial date shall be February 29, 2016;

WHEREAS, on November 9, 2015, upon the Order for Supplemental Briefing dated September 30, 2015 (Dkt. No. 126), Plaintiff filed his Supplemental Brief, which indicated that Plaintiff would request leave to file an amended complaint;

WHEREAS, on November 16, 2015, the Court issued an Order Granting Plaintiff’s Request for Leave to File a Fourth Amended Complaint and Denying Defendants’ Motion for Summary Judgment as moot (Dkt. No. 138);

WHEREAS, on December 4, 2015, Plaintiff filed a Fourth Amended Complaint against Defendants for retaliation under 42 U.S.C. § 1981 (Dkt. No. 140);

WHEREAS, the Fourth Amended Complaint raises matters that were not in the Third Amended Complaint and require further discovery by the parties;

WHEREAS, due to the additional matters in the Fourth Amended Complaint and the need for further discovery, the parties have conferred and agreed to request that the pretrial and trial dates that

1 the Court established in its Order to Continue Pretrial and Trial Dates (Dkt. No. 136) be vacated and
2 that new discovery deadlines, dispositive motion deadlines, and pretrial and trial dates be set;

3 WHEREAS, due to the complexity of the pertinent legal and factual issues in this case and
4 current conflicts of counsel on other matters, the parties have conferred and agreed, subject the
5 Court's approval, that (1) the deadline for Plaintiff to file an opposition to Defendant's Motion to
6 Dismiss the Fourth Amended Complaint (Dkt. No. 144) be extended to February 12, 2016, and (2)
7 the deadline for Defendants to file a reply to Plaintiff's opposition be extended to March 4, 2016;

8 WHEREAS, the parties have conferred and agreed that the efficiency of the handling and
9 scheduling of this case would be enhanced if a Case Management Conference were scheduled for
10 March 18, 2016, the date of the hearing regarding Defendants' Motion to Dismiss the Fourth
11 Amended Complaint (Dkt. No. 144);

12 WHEREAS, the parties also agree to file a Joint Case Management Statement seven days
13 before the conference; and

14 WHEREAS, this modification will not alter the date of any other event or deadline fixed by
15 any Court order,

16 IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that:

- 17 • The pretrial and trial dates established by the Court's Order to Continue Pretrial and Trial
18 Dates (Dkt. No. 136) are vacated;
 - 19 • Plaintiff's opposition to Defendants' Motion to Dismiss the Fourth Amended Complaint will
20 be due on February 12, 2016;
 - 21 • Defendants' reply in support of their Motion to Dismiss the Fourth Amended Complaint will
22 be due on March 4, 2016;
 - 23 • A Case Management Conference shall be conducted on March 18, 2016; and
 - 24 • The parties shall file a Joint Case Management Statement March 11, 2016.
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1 DATED: January 22, 2015

HENNEFER, FINLEY & WOOD, LLP

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3 BY: /s/ James A. Hennefer
4 JAMES A. HENNEFER
5 Attorneys for Plaintiff J. Augusto Bastidas, M.D.
6

7 DATED: January 22, 2015

GIBSON, DUNN & CRUTCHER LLP

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9 BY: /s/ Michael Li-Ming Wong
10 MICHAEL LI-MING WONG
11 VANESSA A. PASTORA
12 Attorneys for Defendants Good Samaritan
13 Hospital, L.P., Samaritan LLC, Good Samaritan
14 Hospital Medical Staff, Steven M. Schwartz, M.D.,
15 and Bruce G. Wilbur, M.D.
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____, 2015

By: _____
HONORABLE SUSAN ILLSTON

FILER'S ATTESTATION

I, Michael Li-Ming Wong, am the ECF user whose ID and password are being used to file this Joint Stipulation and [Proposed] Order to Vacate All Trial and Pretrial Dates, Extend Briefing Deadlines, and Schedule Case Management Conference. I hereby attest that James A. Hennefer has concurred in this and has authorized me to affix his electronic signature to this Stipulation.

Dated: January 22, 2015

By: /s/ Michael Li-Ming Wong
Michael Li-Ming Wong

CERTIFICATE OF SERVICE

I, Ariella Kropp, declare as follows:

I am employed in the County of San Francisco, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 555 Mission Street, Suite 3000, San Francisco, California 94105, in said County and State. On January 22, 2015, I served the following document(s):

JOINT STIPULATION AND [PROPOSED] ORDER TO VACATE ALL TRIAL AND PRETRIAL DATES, EXTEND BRIEFING DEADLINES, AND SCHEDULE CASE MANAGEMENT CONFERENCE

on the parties stated below, by the following means of service:

James A. Hennefer
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- ☒ **BY ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM.** On this date, I electronically uploaded a true and correct copy in Adobe "pdf" format the above-listed document(s) to the United States District Court's Case Management and Electronic Case Filing (CM/ECF) system. After the electronic filing of a document, service is deemed complete upon receipt of the Notice of Electronic Filing ("NEF") by the registered CM/ECF users.
- ☒ I am employed in the office of Michael Li-Ming Wong, a member of the bar of this court, and that the foregoing document was printed on recycled paper.
- ☒ **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 22, 2015.


Ariella Kropp